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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

LARRY GLENN McDOWELL,

Plaintiff(s),

v.

STATE OF NEVADA, et al.,

Defendant(s).

2:13-CV-2236 JCM (VCF)

**ORDER**

Presently before the court are Magistrate Judge Ferenbach's report and recommendation that defendant state of Nevada be dismissed with prejudice, that all claims against all defendants for damages in their official capacity be dismissed with prejudice, and that all claims against defendants Adams, Sablica, Ruby, Cox, Sonja, Greg, Chin, and Arenas be dismissed with leave to amend. (Doc. # 3). *Pro se* plaintiff Larry McDowell has filed a "notice of objections." (Doc. # 11).

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate

1 judge's report and recommendation where no objections have been filed. *See United States v.*  
2 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the  
3 district court when reviewing a report and recommendation to which no objections were made); *see*  
4 *also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's  
5 decision in *Reyna-Tapia* as adopting the view that district courts are not required to review "any  
6 issue that is not the subject of an objection."). Thus, if there is no objection to a magistrate judge's  
7 recommendation, then this court may accept the recommendation without review. *See, e.g.,*  
8 *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation  
9 to which no objection was filed).

10 The "notice of objections" filed by plaintiff states only that he objects to dismissal of his  
11 claims against "L.C. Adams, Cynthia Sablica, Ruby, James Cox, Nurse Sonja, John Doe, Jane Doe,  
12 Nurse Greg, Dr. Chin, and Dr. Arenas." (Doc. # 11). Plaintiff provides no explanation as to the  
13 grounds of his "objections" and no points or authorities in support.

14 In any event, the magistrate judge has recommended that the claims asserted against each of  
15 those defendants in their individual capacity be dismissed with leave to amend. Plaintiff may  
16 attempt to cure the deficiencies in his allegations as set forth in the magistrate judge's report and  
17 recommendation, and may re-file an amended complaint no later than May 23, 2014.

18 Upon reviewing the recommendation and underlying briefs, this court finds good cause  
19 appears to ADOPT the magistrate's findings in full.

20 Accordingly,

21 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the magistrate judge's report  
22 and recommendation (doc. # 3) be, and the same hereby are, ADOPTED in their entirety.

23 IT IS FURTHER ORDERED that defendant state of Nevada is hereby DISMISSED with  
24 prejudice.


25 IT IS FURTHER ORDERED that all claims for damages against all defendants in their  
26 official capacity are hereby DISMISSED with prejudice.

27 . . .

1 IT IS FURTHER ORDERED that all claims against defendants Adams, Sablica, Ruby, Cox,  
2 Sonja, Greg, Chin, and Arenas are DISMISSED with leave to amend. Plaintiff is hereby ORDERED  
3 to file the amended complaint no later than **May 23, 2014**.

4 IT IS FURTHER ORDERED that plaintiff's "motion to expedite to file first amended  
5 complaint" (doc. # 13) be, and the same hereby is, DENIED as moot.

6 DATED April 25, 2014.

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9 UNITED STATES DISTRICT JUDGE